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Summary record of the joint meeting of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights

Held at the Palais Wilson, Geneva, on Monday, 12 March 2018, at 10 a.m.

Co-Chairs: Mr. Iwasawa (Chair, Human Rights Committee)
Ms. Bras Gomes (Chair, Committee on Economic, Social and Cultural Rights)

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The meeting was called to order at 10.05 a.m.

Joint meeting of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the occasion of the seventieth anniversary of the Universal Declaration of Human Rights

1. **Ms. Bras Gomes** (Chair of the Committee on Economic, Social and Cultural Rights) said that the statement "all human beings are born free and equal in dignity" reflected the vision of a world in which everyone could live free from fear and want. That aspiration, which was manifest in the universality, indivisibility and interdependence of all civil, cultural, economic, social and political rights, had acquired a renewed sense of urgency on the seventieth anniversary of the Universal Declaration of Human Rights. The world was undoubtedly more willing to uphold rights than when the Universal Declaration had been adopted, thanks to the unflagging commitment of individuals and organizations that stood up for rights in their communities and beyond. However, material and other forms of deprivation persisted amid the affluence of the twenty-first century. Inequalities within and between countries continued to grow, and the benefits of development were not equitably shared. Conflicts destroyed lives and undermined hope for a better world. Climate change had a particularly adverse impact on the most vulnerable groups, such as migrants and refugees. Men and women seeking a safe haven and better opportunities for their children were faced with closing borders. The principles, values and aspirations of the Universal Declaration of Human Rights, which had been further materialized in the rights enshrined in the two Covenants and the other core human rights treaties, should guide States parties in upholding human dignity.

2. The United Nations High Commissioner for Human Rights had been unable to attend the meeting in person because he had commitments abroad. However, he had sent a recorded video message.

3. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights), in the video message, said that the universality of human rights bound humanity together, despite differences, in the conviction that all human life was valuable and that all persons were equal in rights and dignity. It was that universality which had given the Universal Declaration of Human Rights such deep resonance since 1948. No other document in history had been translated into so many languages, bringing hope to people all over the world and was the closest example of a global constitution for mankind.

4. The Vienna Declaration and Programme of Action had taken the fundamental notion of universality a step further by acknowledging that all human rights were indivisible, interdependent and interrelated. The division into two Covenants had been a response to political pressure during the cold war and did not correspond to any sound logic. Civil and political rights, economic, social and cultural rights, and the right to development built upon each other and advanced together. Even if people's right to speak out and protest was recognized, they were not truly free if they were constrained by lack of education or inadequate living conditions. Moreover, wealthy people were not living well if they lived in fear of arbitrary detention by their government. The joint celebration by the two Committees of that unity of vision sent a strong message of their shared determination to uphold the Universal Declaration of Human Rights.

5. **Ms. Gilmore** (United Nations Deputy High Commissioner for Human Rights) said that the current meeting was historic in factual and symbolic terms. The two Committees were tasked with monitoring the implementation of two Covenants that established the mutuality of a panoply of rights. Seven decades after its adoption, the Universal Declaration continued to issue a clarion call for all persons to be recognized as equal in dignity and rights. If such rights were guaranteed comprehensively and universally, the outcome would be utter freedom from fear and want.

6. The Declaration had been drafted by people from cultures and traditions around the world. It embodied rights found in all major legal and religious traditions, such as African traditions of interdependence and collective responsibility, and reflected Qur'anic references to the universal dignity of humankind and to justice and responsibility for future generations.

7. The Declaration had risen as a phoenix from the ruins of cruel assaults and suffering inflicted by human beings on each other. Remarkable leaders had ensured that the text would stand the test of time. The Chinese diplomat Chang Peng-chun had advocated for the inclusion of values from both eastern and western cultures. Hansa Mehta of India had influenced the wording of article 1, which stated that all human beings were equal in dignity and rights, by arguing against the use of the word "men", which would imply that women were excluded. Begum Ikramullah of Pakistan had opposed Member States that had claimed that the Declaration was based on western standards, by defending the universality of the principle of equality in marriage; she had also spoken out strongly against child marriage. Charles Malik of Lebanon had helped to shape the Declaration's ethical basis. Latin American States had advocated for international application of rights and specifically for social and economic rights, with the strong backing of Saudi Arabia. The Soviet Union had advocated for racial equality. Hernán Santa Cruz of Chile had described the result as a consensus about the supreme value of the human person, a value originating not in the decision of a worldly power, but in the fact of existing. She wondered whether such a document could be drafted by Member States today.

8. Many countries had rightly viewed the human rights principles enshrined in the Declaration as powerful support for the liberation movements that were fighting to end colonialist exploitation throughout the world. Human rights were not an instrument for domination by any power. On the contrary, they served to uphold the freedom of people everywhere. Human rights empowered people to demand governments that served them rather than dominating them, economic systems that enabled them to live in dignity instead of exploiting them, and decision-making systems that were participatory rather than exclusionary.

9. The two iconic Committees had helped States to formulate national constitutions and legislation, to abolish the death penalty and to outlaw austerity measures. Their work had led to the development of the nine core international human rights treaties. They had tackled challenges that required universal solutions rooted in the indivisibility of rights. They had addressed the rights of migrants, the right to privacy in the digital age, the human rights ramifications of environmental degradation and climate change, and human rights in the context of the Sustainable Development Goals. They had also provided Member States with the tools necessary to uphold their peoples' human rights.

10. The milestones of 2017 included: the irreversible advance of women's suffrage and the birth of Mandela 100 years previously; the assassination of Martin Luther King 50 years previously; the adoption of the Vienna Declaration and Programme of Action and the establishment of the Office of the United Nations High Commissioner for Human Rights (OHCHR) 25 years previously; and the adoption of the Rome Statute of the International Criminal Court and the Declaration on Human Rights Defenders 20 years previously.

11. A great deal had been achieved but much remained to be done. It was not a time for optimism or hope so much as a time for courage. It was essential to stand up for universal, indivisible, interdependent and inalienable human rights for the sake of all.

12. **Mr. Abdel-Moneim** (Committee on Economic, Social and Cultural Rights) said that the two Covenants represented one bird and the two Committees were the wings that enabled the bird to fly. All governmental and civil society human rights bodies were comparable to birds and also needed wings to fly. It was wrong to cut those wings in the name of so-called reform.

13. **Ms. Jelić** (Human Rights Committee) said that, despite many challenges, the Universal Declaration remained crucial not only for the universal human rights protection system but also for regional systems. It was a cornerstone of all legal human rights instruments and provided fundamental support for all individuals, who shared the inherent value of human dignity. The Declaration was a highly accountable legal source and had been accorded legal authority by the two international Covenants.

14. The Universal Declaration had also been recognized as an inspiration and legal basis in the preamble to the European Convention for the Protection of Human Rights and Fundamental Freedoms. It was of special significance for countries in transition, for which realization of the rule of law, democracy and human rights standards presented a challenge.

For instance, it was treated in her own country, Montenegro, as valid positive law in addition to the Covenants, which were directly applicable. Eleanor Roosevelt, who had submitted the Universal Declaration to the General Assembly, had underscored the importance of readiness for the fight for human rights, which called for assertiveness and responsibility.

15. **Ms. Shin** (Committee on Economic, Social and Cultural Rights) said that the Universal Declaration was an amazingly progressive and forward-looking document. She wished to pay special tribute to the countless human rights defenders around the world, both individuals and NGOs, who had promoted human rights through their arduous and lengthy struggle, protecting voiceless people against threats and intimidation. In March 2017 the Committee on Economic, Social and Cultural Rights had issued a statement entitled "Human Rights Defenders and Economic, Social and Cultural Rights", in which it had recognized the invaluable contribution of civil society, NGOs and human rights defenders to the realization of human rights. As the first treaty body to provide NGOs with the opportunity to present written and oral statements on States parties under review, that Committee greatly appreciated the role of human rights defenders. The statement reminded States parties of their responsibility to ensure that human rights defenders were effectively protected against all forms of abuse, violence and reprisals while carrying out their work. Given the recent surge in restrictions on their activities, States should take concrete action to provide human rights defenders with an enabling environment and adopt relevant laws and policies so that they could continue their valuable work to protect and promote human rights in accordance with the Universal Declaration of Human Rights.

16. **Mr. Shany** (Human Rights Committee) said that the Universal Declaration, which at the time had been aspirational in nature, aiming to introduce a common standard of achievement and to inform the contents of the programmatic provisions of the Charter of the United Nations, had succeeded in giving the international human rights movement a sense of direction, and a grand vision that anticipated many of the subsequent developments, including the adoption of the two Covenants in 1966, which built upon the Declaration, further elaborated its provisions and established the two monitoring bodies. The Declaration and the ideals it stood for, in particular the inherent dignity and the equal and inalienable rights of all members of the human family, also served as the basis for the seven other core United Nations treaties, and the development of the Charter-based bodies and regional human rights instruments and mechanisms.

17. One of the most important aspects of the Declaration had been the combined proclamation in one instrument of civil and political rights and economic, social and cultural rights. Despite the rhetoric of indivisibility, the two groups of rights had been divided into two treaties with two separate monitoring mechanisms. The 2020 review of the implementation of General Assembly resolution 68/268 concerning the strengthening of the treaty body system would provide a unique opportunity to reflect on whether it was time to return to the ethos of 1948 and to introduce a coordinated Covenant review process, which might, for instance, facilitate a two-Committee review of the entire human rights record of the States parties to the Covenants on the basis of a consolidated list of issues. Such an approach would underscore the indivisibility of human rights and create a stronger and more prominent review process. If successful, it could be the first step towards the eventual consolidation of the two treaty bodies, whose approach to promoting human rights had become closer over time. The Committee on Economic, Social and Cultural Rights had overcome the issue of justiciability and was beginning to review individual communications, and the Human Rights Committee was developing additional jurisprudence based on duties to protect and fulfil, dealing progressively with background conditions for full implementation of human rights.

18. However, the Committees' ability to fully realize the promise of the Universal Declaration and to effectively fulfil their roles under the Covenants depended on their ability to maintain the support of constituencies, first and foremost the individuals whose rights they defended, but also States, the United Nations and OHCHR, which provided invaluable material and logistical support. The current situation was still precarious. Despite the huge progress in acceptance of human rights, and in the development of sophisticated legal doctrines and mechanisms of protection, United Nations Member States

were still content to leave the treaty bodies with limited legal powers. Moreover, they failed to provide them with the resources they required to fulfil their mandate, a situation that reflected not only monetary belt-tightening but also skewed priorities. As long as that unhappy state of affairs continued, the full potential of the two treaty bodies would remain underrealized, despite the dedication of the excellent professional support staff. In addition, the Universal Declaration's goal of attaining universal respect for and observance of human rights and fundamental freedoms would sadly remain beyond the treaty bodies' reach.

19. **Mr. Kedzia** (Committee on Economic, Social and Cultural Rights) said that the impact of a commemoration, such as that of the Universal Declaration, was measured not only in terms of its contribution to memory but perhaps primarily in terms of its contribution to the future. The former Secretary-General Kofi Annan, addressing a meeting of the Commission on Human Rights in 1998 to mark the fiftieth anniversary of the Declaration, had stated that, in light of the experience of the international community during the past 50 years, the guiding idea for the forthcoming decades should be prevention.

20. He highlighted the importance of the joint meetings held during the past 18 months of the Committees that served as guardians of the two Covenants. They were a symbol of the universality and indivisibility of human rights. Treaty body strengthening in line with General Assembly resolution 68/268 remained crucial. However, action should also be taken to ensure the sustainability of both international human rights treaties and the treaty body system. The Committees could contribute enormously to that discussion.

21. One of the main tasks of the United Nations system as a whole was to promote follow-up to the treaty bodies' conclusions, recommendations and views. The system must be encouraged to engage in every conceivable manner in the follow-up procedure. In his view, the strongest link between the two Committees was a growing awareness of the adverse impact of corruption on human rights and the need to develop effective means of combating such corruption.

22. **Ms. Waterwal** (Human Rights Committee) said that the treaty bodies had a collective responsibility not only to monitor the rights enshrined in the two Covenants but also to raise peoples' awareness of their rights. One important procedure supported by the Centre for Civil and Political Rights was follow-up to concluding observations. States parties were required, within one year of an interactive dialogue with a treaty body, to report on the implementation of three or four urgent recommendations. Committee members, acting in their own capacity, visited States parties, where officials and NGOs were informed about recommendations and the need to raise awareness of human rights in general. They gave interviews, lectured at universities and shared information during workshops with NGOs. She wished to know whether the Centre for Civil and Political Rights had undertaken research on the added value of the informal procedure and, if so, what conclusions it had reached. She hoped that the Centre would continue to support the work of the Human Rights Committee. The current historic meeting afforded the two Committees an opportunity to pledge their continued commitment to enabling people to enjoy their human rights and fundamental freedoms throughout the world.

23. **Ms. Gilmore** (Deputy High Commissioner for Human Rights) welcomed the Committees' vision of an integrated structure that could promote, symbolically and materially, the mutuality of the two core human rights treaties.

24. The goal of strengthening rather than eroding the Committees in the years ahead presented a major challenge. Lack of financial resources restricted their potential and was a source of grave frustration, both for the treaty bodies and for OHCHR. There was a pernicious and intentional effort under way in the United Nations system to counter the authority of the treaty bodies and to minimize the scope of their responsibilities. The source of that political agenda should not be underestimated. She urged the Committees to join OHCHR in a concerted effort to challenge the conflicts of interest of the General Assembly. They should oppose the convenient narrative that the requirements and demands of the treaty bodies had been invented by OHCHR.

25. She reiterated that the time had come to take firm and determined action. It was essential to address the unhealthy concentration of power, to deal with the treaty bodies' inadequacies in the context of that inequality, and to compensate for missed opportunities

to uphold rights. It was time to support the land rights of indigenous people, to defy State authorities that sought to silence journalists, to stress that reproductive health and rights were integral to the dignity of women and girls, and to involve young people in decision-making.

26. The purpose of celebrating seven decades since the adoption of the Universal Declaration was to ensure further progress in the next seven decades. She commended the Committees' partnership with OHCHR staff and looked forward to continuous courageous cooperation in defence of human rights.

27. **Mr. Iwasawa** (Chair, Human Rights Committee) expressed the hope that the current meeting marked the beginning of an overarching effort by the two Committees to work together seamlessly and vigorously in support of the Universal Declaration. They must speak out for the rights of others and their voices would be louder if they spoke together.

The meeting rose at 10.50 a.m.